



# DEPARTMENT OF LAW

## OFFICE OF THE CORPORATION COUNSEL

### CITY OF SYRACUSE, MAYOR BEN WALSH

02/04/2019

**Kristen E. Smith**  
Corporation Counsel

**Joseph W. Barry III**  
First Assistant  
Corporation Counsel

**Christina F. DeJoseph**  
Senior Assistant  
Corporation Counsel

Catherine E. Cornrike  
Meghan E. Ryon  
Amando R. Horrington  
Jahn C. Block Jr.  
Kathryn M. Ryan  
Ramana L. Rabeler  
Erica T. Clarke  
Tadd M. Lang  
Khalid Bashjawish  
Janet M. Fall  
Lee R. Terry  
Sarah A. Lafen

**Department of Law**  
**Office of Corp. Counsel**  
233 E. Woshington St.  
City Hall, Room 300  
Syracuse, N.Y. 13202

Office 315 448-8400  
Fax 315 448-8381  
Email [low@syr.gov](mailto:low@syr.gov)

[www.syr.gov](http://www.syr.gov)

MuckRock News  
DEPT MR 66145 411A Highland Ave  
Somerville, MA 02144

**RE: FOIL Reference #2018-01801**

Taser and body camera use and data retention policies

Dear Mike,

The Freedom of Information records request that you submitted to the City of Syracuse as referenced above has been filled.

Attached you will find the document(s) you requested. The total cost of your request is \$4.00. Please make check or money order payable to the Commissioner of Finance and mail to address below.

You have the right to appeal any part of this response in writing within thirty (30) days to:

Office of the Mayor  
Mayor Ben Walsh  
233 E. Washington Street  
Syracuse, NY 13202

If you have any questions, or require further information, please do not hesitate to contact me.

Sincerely,

Joseph W. Barry, III  
First Assistant Corporation Counsel





## Volume 1, Article 4 – Rules of Conduct

### Section 21.00

#### Tasers

##### **21.00 POLICY:**

The purpose of this policy is to establish a set of guidelines for the use of Electronic Control Weapons (ECWs) that balances the recognition that ECWs are an appropriate tool for Officers who must resort to the use of force in carrying out their legitimate duties, while fostering a responsible and accountable use of ECWs.

This policy is integrated into the City of Syracuse Police Department's overall use of physical force policy. An ECW is classified as a less lethal weapon and is intended to augment and provide a greater margin of safety for officers who might otherwise be forced to physically subdue a dangerous subject. As with all uses of force, these weapons shall be used within the limitations established by Article 35 of the New York State Penal Law. In addition all uses of force must be consistent with the Supreme Court standard established in *Graham v. Connor* to determine whether the force used is objectively reasonable, which articulates the following factors: the severity of the crime(s) at issue; whether the subject poses an immediate threat to the safety of the officer(s) or others; whether the subject is actively resisting or attempting to evade arrest by flight.

It shall be the policy of the City of Syracuse Police Department that ECWs are weapons of need, and not a tool of convenience. Officers must always consider the totality of the circumstances when applying these guidelines. This policy recognizes that in certain situations, exigent circumstances may outweigh a specific guideline. In such situations, however, the officer must be able to articulate a compelling reason for acting outside of agency policy or training.

The ECW is not a replacement for the Departmental issued firearm and should not be used without firearm backup in those incidents where there is a potential threat of deadly physical force towards the officer(s) or any third parties involved in the incident.

This policy is for internal use only and does not enlarge an employee's civil liability in anyway. This policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to any civil or criminal litigation brought against employees. This policy is to provide operational guideposts. Violations of this policy, if proven, can only serve as a basis for this Department to utilize during non-judicial administrative action in accordance with the laws governing employee discipline.

##### **21.10 DEFINITIONS:**

- A. Activation - Pulling the trigger of an ECW, causing arcing or probe discharge.
- B. Active Aggression - A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

- C. Active Resistance - Active resistance means any physical act undertaken by a subject, against an officer, that could reasonably defeat a lawful attempt by the officer to gain control of the subject.
- D. Application - The actual contact and delivery of electrical impulse to the subject via probe discharge or drive stun.
- E. Arcing - Pulling the trigger to activate an ECW without discharging the probes. This may be done as a warning to the subject or to the test the ECW prior to deployment (sometimes referred to as a spark test).
- F. Cartridge - A replacement vessel that generally contains compressed gas, probes, connecting wires, and confetti tags.
- G. Cycle - The period during which the electrical impulses are emitted from the ECW following activation.
- H. Display - Drawing and exhibiting the ECW as part of a warning tactic, typically, but not always accompanied by verbal warnings.
- I. Drive Stun - Acting as a touch-stun when the ECW is brought into immediate, or close proximity, contact with a subject's body or clothing.
- J. Duration - The aggregate time that the ECW is activated. It is important to note that the duration of activation may be different from the duration of time that a subject is subjected to the electrical impulse from the ECW.
- K. ECW Application - ECW application means the contact and delivery of electrical impulse to a subject with an ECW.
- L. Electronic Control Weapon (ECW) - An ECW is a less-lethal weapon. ECW means a weapon designed primarily to discharge electrical charges into a subject that will cause involuntary muscle contractions and override the subject's voluntary motor responses.
- M. Embedded - Fix (an object) firmly and deeply in a surrounding mass.
- N. Exigent Circumstances - Circumstances that would cause a reasonable person to believe that prompt and unusual action is necessary to prevent physical injury to self or others.
- O. Laser Painting - The act of un-holstering and pointing an ECW at a subject and activating the ECW's laser dot to show that the weapon is aimed at the subject.
- P. Neuromuscular Incapacitation - The effect of the ECW on a subject when, through the application of an electrical pulse, the ECW dominates the motor nervous system by interfering with the electrical signals sent to the skeletal muscles by the central nervous system.
- Q. Passive Resistance - Passive resistance means non-compliance with officer commands that is non-violent and does not pose an immediate threat to the officer or

the public.

- R. Penetration – To pierce or pass into or through.
- S. Probe Discharge/Deployment – Pulling the trigger to release the probes from the cartridge to make contact with the subject and achieve neuromuscular incapacitation.
- T. Probe Spread – The amount of distance between the probes fired from an ECW.
- U. Probes – Projectiles with wires contained in an ECW cartridge. When the ECW is discharged, probes are expelled from the ECW and penetrate the subject's clothing and/or skin, allowing application of the electric impulse.
- V. Sensitive Areas – An area of the subject's body that may cause more serious injury to the subject if struck with an ECW probe (e.g., eyes, head, neck, genitalia, or female breasts).

**21.11 PROCEDURE:**

**21.12 CARE & MAINTENANCE:**

- A. The Training Division, or a designee of the Chief of Police, will be responsible for the care and maintenance of all Department Tasers and related equipment.
- B. Officers assigned to a City school will carry the X26 Taser that is equipped with an external mounted video camera. The camera begins recording automatically when the safety on the Taser is switched to the on position. Any footage on X26 Taser video camera will be downloaded by a member of the Training Division or a designee of the Chief of Police and stored in a secure file within the Department's computer network.

**21.13 TRAINING:**

- A. Officers shall receive annual ECW certifications, which should consist of physical competency; weapon retention; review of Syracuse Police Department policy, including any policy changes; technology changes; and scenario-based training.
- B. Officers will be trained concerning the ability of electrical charge to act as an ignition for combustible materials.
- C. Officers who are not equipped or authorized to carry an ECW are required to attend ECW training and familiarize themselves on the effects of ECWs so non-ECW equipped officers can effectively assist in gaining control of a subject who has been exposed to the ECW. This awareness training will emphasize the non-Taser authorized Officer's responsibilities, including but not limited to, situations such as attempting to handcuff subjects during an ECW application and transitioning to other force options.
- D. Supervisors will also receive awareness based training appropriate to the investigations they conduct and review regarding an officer's use of force involving a Taser.

**21.14 WEARING OF ECWs:**

- A. ECWs must be carried in a Department approved holster, attached to the officer's duty belt or secured to the officer.
  - 1. ECWs must be worn on the officer's non-dominant side in a cross-draw position.

**21.15 USE OF ECWs (DEPLOYMENT- WHEN CAN AN OFFICER USE THE TASER AND UNDER WHAT CIRCUMSTANCES):**

- A. An ECW is considered an intermediate use of force on the use of force continuum and decisions to deploy an ECW requires the same basic justification as other intermediate use of force options, subject to specific restrictions listed below.
  - 1. ECWs should only be used against subjects who are exhibiting active aggression or who are actively resisting in a manner that, in the officer's judgment, is likely to result in injuries to themselves or others. ECWs should not be used against a passive subject.
  - 2. When possible, ECWs should not be used on children, juveniles, the elderly, obviously pregnant females, frail individuals, against subjects operating or riding on any moving device or vehicle where the subject may fall while it is in motion, against individuals in a body of water of sufficient depth to cause drowning, in situations where the subject may fall from an elevated surface, or when the officer knows that the subject suffers from a serious medical condition.
  - 3. ECWs should not be used on handcuffed subjects unless doing so is necessary to prevent them from causing serious bodily harm to themselves or others.
  - 4. ECWs shall not be used:
    - a. By an officer(s) in a punitive or coercive manner.
    - b. In drive-stun or touch-stun mode as a prod or escort device.
    - c. To rouse unconscious, impaired, or intoxicated individuals.
    - d. When combustible gases or flammable liquids are present.
    - e. When a K-9 is in the process of apprehension.
    - f. For demonstration purposes unless specifically authorized by the Chief of Police.

**21.16 WARNINGS:**

- A. A warning should be given to a subject before deploying an ECW, unless doing so would place any person at risk.

1. An officer is not required to give a verbal warning if the warning would compromise the safety of the officer or others.
- B. Officers shall make all reasonable efforts, when feasible, to warn other officers that a deployment is about to occur.

**21.17 MULTIPLE APPLICATIONS:**

- A. Officers should not intentionally use more than one (1) ECW at a time against a subject.
  1. Unless faced with exigent circumstances, no more than one officer should deploy an ECW against an individual at the same time.

**21.18 EXTENDED DURATIONS:**

- A. Officers should use an ECW for one standard cycle (5 seconds) and evaluate the situation to determine if subsequent cycles are necessary. Officers should give a new warning for every subsequent cycle.
  1. Officers should consider that exposure to the ECW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase of the risk of death or serious injury.
  2. Any subsequent ECW applications (beyond 15 seconds) should be independently justifiable, and the risks should be weighed against other force options.
  3. In determining the need for additional cycles, officers should take into account and beware that a person subjected to an ECW cycle may not be able to respond to commands during or immediately following exposure.
- B. The Syracuse Police Department recognizes, however that multiple applications may be necessary to gain or maintain control of a combative individual, particularly where back-up officers are unavailable.

**21.19 DRIVE-STUN USE:**

- A. ECWs shall be used in drive-stun mode only to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject so that officers can consider another force option.
  1. The drive-stun mode can be used to complete the circuit in the event that one of the probes is ineffective or becomes dislodged.
  2. The drive stun mode can also be used in close quarters for the purpose of protecting the officer or creating a safe distance between the officer and the subject.
- B. ECWs shall not be used in drive-stun mode as a pain compliance technique.

**21.20 TARGETED AREA:**

- A. Officers will make all reasonable efforts to avoid intentionally targeting a person's head, neck, eyes, chest, or genitalia.
- B. The target area for frontal probe deployment is lower center mass (below the chest) and below the neck for back shots.

**21.21 TASER USE ON ANIMALS:**

- A. ECWs can be effective against aggressive animals. This policy specifically permits use of an ECW as a tool for officers to use when confronted with an aggressive animal.

**21.22 POST DEPLOYMENT PROCEDURES:**

- A. When an officer deploys a Taser, that officer shall immediately notify a supervisor.
  - 1. A supervisor should respond to all incident scenes where an ECW is deployed.
- B. The probes, cartridges, afids, and wires will be collected by the Taser officer and turned in as evidence according to the procedures set forth in Volume 1, Article 3, Section 13.00, the Department's Evidence Preservation, Collection and Processing policy. These items will be clearly marked as a bio-hazard.
- C. When an individual has been subjected to an application of a Taser in drive stun mode, the Taser officer will:
  - 1. Evaluate the individual for any obvious medical complications or residual effects.
  - 2. If applicable, follow the procedures set forth in Section 21.23 of this policy regarding Medical Attention and transport via ambulance or patrol unit to a hospital.
  - 3. Individuals subjected to an application of a Taser in drive stun mode will be inspected and treated for any injury which is the direct result of the Taser application as set forth in the Taser International Training Course.
- D. When an individual has been subjected to an application of a Taser by probe, the Taser officer will utilize the following procedure:
  - 1. Certified Taser officers may remove embedded probes under the following conditions:
    - a. The probe(s) is not in an area designated as "sensitive".
    - b. The subject is compliant.
    - c. The subject does not have any obvious medical complications following the Taser deployment.



- d. Certified Taser officers that remove embedded probes will follow established Taser International training protocols as it relates to probe removal and medical treatment.
  - (1) Officers will always wear protective gloves when conducting non-embedded probe removals from any individual.
  - (2) Non-embedded probe removal and on scene medical treatment will be completed by officers of the same sex as the tased individual.
- 2. A Certified Taser officer may not remove probes in the following situations:
  - a. When probe contact has been made to an area of the body designated as "sensitive", (e.g. head, neck, breast, genital region) regardless if the probe is embedded or not, professional medical treatment will be sought at an appropriate hospital.
    - (1) If an individual requires professional medical treatment due to contact to a "sensitive" area, transport will be done via ambulance.
  - b. Probes that have become embedded into a subject's skin.
    - (1) Under these circumstances, ECW will only be removed by healthcare professionals.
- 3. If the probes failed to make contact with the skin or have been dislodged (e.g. heavy clothing, self-removal by the individual), the Taser Officer will:
  - a. Evaluate the individual for any obvious medical complications or residual effects.
  - b. If applicable, follow the procedures set forth in Sections 21.23 and 21.24 of this policy regarding Medical Attention and transport the individual to a hospital via a patrol unit or ambulance.
  - c. If the contact site on the body can be aggravated by transport in a patrol vehicle, then transport will be done via ambulance.
- E. When an individual has been subjected to both probe and drive stun contact, the Taser officer will follow the above listed procedures for drive stun and probe deployment treatment.

**21.23 MEDICAL ATTENTION:**

- A. Whenever a less lethal weapon has been used, the officer shall immediately evaluate the need for medical attention for the person upon whom the force was used. It is the officer's responsibility to arrange for such attention by requesting emergency medical services when the person has sustained a visible injury, complains of injury or discomfort, or requests medical attention. If the person refuses to be treated, the person must sign the refusal statement on the emergency medical service's Pre-Hospital Care Report Form. If the person refuses to sign, the refusal must be

witnessed on the form. The subject's acceptance or refusal of medical care shall also be documented in the officer's report.

1. When a Taser is deployed against an individual who is a student or an individual under the age of 16, on school grounds or within any school in the City of Syracuse, the officer will not remove the probes and will request an ambulance to respond to provide medical attention.
- B. Booking personnel will be notified any time that a person who is being transferred into their custody has been subjected to the use of a Taser, and they will be notified of how many cycles the prisoner was exposed to and their duration.

**21.24 MANDATORY MEDICAL EVALUATION AT A HOSPITAL:**

- A. After exposure to an ECW, the following persons should be transported to an emergency medical facility for treatment:
  1. Following a probe deployment, where a probe or probes have penetrated the skin and officers cannot safely remove probes.
  2. Persons struck in a sensitive area, which includes eyes, head, neck, genitals, or female breasts.
  3. Following either probe or drive stun deployment, any person who requests medical assistance.
  4. When a subject experiences prolonged ECW application longer than 15 seconds.
  5. When a subject experiences more than three five second cycles.
  6. When a subject in an at-risk category has been subjected to an ECW application, which includes young children, juveniles, persons who are small in stature, individuals who are elderly or frail, pregnant women, or person who officers become aware have a pre-existing medical condition that increases the danger to them.
  7. Any person who does not appear to have recovered after a reasonable time period, as determined by the officer training guidelines.
  8. Where a subject has been exposed to the effects of more than one ECW device.

**21.25 REPORTING & ACCOUNTABILITY OF ECW USE:**

- A. The reporting requirements when an ECW is used are the same as found in Volume 1, Article 4, Section 6.20, of the Syracuse Police Department's Rules & Regulations, addressing other Less-Lethal Weapons.

**21.26 DATA COLLECTION:**

- A. In addition to the reporting requirements detailed in the preceding Section, The Syracuse Police Department will collect the following information for review, analysis, and evaluation of ECWs use by it officers:
1. Date, time, location of incident.
  2. The use of display, laser painting and/or arcing, any verbal warnings given, and whether those tactics deterred a subject and gained compliance.
  3. Identifying and descriptive information and investigative statements of the subject (including membership in an at-risk population), all personnel firing ECW's, and all witnesses.
  4. The type, brand, and specific model of ECW used.
  5. The number of ECW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
  6. Level of aggression encountered.
  7. Any weapons possessed by subject.
  8. The type of crime/incident the subject was involved in.
  9. Determination whether deadly force would have been justified.
  10. The type of clothing worn by the subject.
  11. The range at which the ECW was used.
  12. The type of mode used (probe deployment or drive-stun).
  13. The point of probe impact on a subject with the device in probe mode.
  14. The point of impact on a subject with the device in drive-stun mode.
  15. Location of missed probe(s).
  16. Terrain and weather conditions during ECW use.
  17. Lighting conditions.
  18. The type of cartridge used.
  19. Suspicion that subject was under the influence of drugs or alcohol (specify if applicable).
  20. Medical care provide to the subject.

21. Any injuries incurred by personnel or the subject.

**21.27 ACCOUNTABILITY:**

- A. The Office of Professional Standards will initiate a use of force investigation when any of the following factors are involved:
1. A subject experiences a proximity death or serious injury from ECW application.
  2. A subject experiences prolonged ECW application (longer than 15 seconds).
  3. There appears to be a substantial deviation from ECW training or policy.
  4. The subject is in an at-risk category has been subjected to an ECW application (e.g., young children, juveniles, individuals who are elderly or frail, pregnant women, or any other activation as determined by a supervisor).
  5. The ECW was used on school grounds.
- B. This investigation by the Office of Professional Standards is in addition to, and not a replacement of, the requirement that a supervisor complete a Subject Resistance Checklist and a Blue Team Use of Force Entry.

**POLICY REVISION HISTORY**

NO	SECTION REVISED	DATE ISSUED	G.O. #
1			
2			
3			

<b>Policy is applicable to the following New York State Accreditation Standard(s):</b>
<b>20.1:</b> Necessary Force (Critical Standard); <b>20.6:</b> Less Lethal Substances/Devices; <b>21.1:</b> Review of Firearms Use; <b>21.2:</b> Review of Force Causing Injuries; <b>32.4:</b> Use of Less Lethal Substances/Devices



## Volume 1, Article 3 - Operations

### Section 83.00

#### Body-Worn Cameras

##### **83.00 POLICY:**

The purpose of this policy is to provide Syracuse Police Department Officers (hereinafter, "Members(s)" or "Officer(s)") with instructions on when and how to use body-worn cameras (BWCs) so that Officers may reliably record their contacts with the public in accordance with applicable law.

It is the policy of the Syracuse Police Department (SPD) that Officers shall activate the BWC when such use is appropriate to the proper performance of the individual Officer's official duties and where the recordings are consistent with policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

##### **83.10 DEFINITIONS:**

- A. Body Worn Camera (BWC) – Overt mobile audio and video-capture device issued by SPD designed to be worn by SPD Members in the course of their duties.
- B. BWC Program Manager – A sworn supervisory Member assigned to the Division of Technology & Program Management who is responsible for the supervision and coordination of the administrative duties within the Division of Technology & Program Management relating to the BWC program.
- C. BWC Recording – Audio and video recordings and associated metadata from BWCs.
- D. BWC System – The body-worn camera and all associated equipment and software installed on SPD workstations and/or laptops.
- E. BWC System Administrator – A sworn Member of SPD's Division of Technology & Program Management who has been granted full access and data management rights within the BWC data storage system. He/she can assign and track equipment, control passwords, oversee needed repairs, delete non-evidentiary recordings, conduct audits and quality control reviews, and act as a liaison with BWC representatives.
- F. Critical Incident – An unusual occurrence or event that requires a coordinated law enforcement response to protect identified potential victims, general public safety, and police. This includes barricaded armed subjects, active killers or snipers, hostage situations, violent protests, demonstrations or other civil disturbances, transportation disasters (e.g., plane crash, train derailment, etc.), weather disasters, and major HAZ MAT situations.

- G. Digital Media Evidence (DME) – BWC recordings and associated metadata that may be utilized as evidence.
- H. Docking Station – Hardware connected to SPD's network that is designed to offload recordings contained on the BWC.
- I. Enforcement Related Activities - Situations during an Officer's official duties that include, but are not limited to:
  - 1. Calls for service;
  - 2. Detentions/Stops of Persons & Vehicles (includes street stops, traffic stops, persons on bicycles, and field interviews;
  - 3. Search Warrants;
  - 4. Arrests & Prisoner Transports (including the issuance of appearance tickets and mental hygiene arrests);
  - 5. Pursuits (both vehicle and foot);
  - 6. Investigatory activities;
  - 7. Confrontational/adversarial citizen contacts;
  - 8. Use of Force (use of physical force or deadly physical force);
  - 9. At an Officer's discretion, if they feel the situation could result in an issue where recording would be beneficial.
- J. Metadata – Data entered into or generated by the BWC that provides context or additional information about BWC recordings.
- K. Serious Incident – Any incident or event which involves use of deadly physical force by a police Officer or results in serious physical injury or death to any person as a result of police action or involvement, including use of force or deadly physical force, vehicle or foot pursuits, motor vehicle accidents, other accidental injury or death, or any death or serious physical injury occurring while in police custody.
- N. Prohibited Recording – An event or incident for which BWC recording is prohibited.
- O. Tag – The process used to label an individual BWC recording using Evidence.com software and issued equipment in accordance with retention categories established by SPD and with the assigned DR#.

#### **83.11 USE OF BWCS:**

- A. SPD will utilize BWCs in accordance with law, this policy, and other applicable Department policies and procedures.

- B. BWCs, all associated equipment and software, and all recordings and other data produced by the BWC system are the sole property of SPD and exist for the sole use of SPD.
- C. Members who are issued BWCs will use them in accordance with this policy and other applicable Department policies and procedures.
- D. Members may use BWCs only for official SPD duties. Members may not use BWCs for personal reasons, additional employment, or any other non-SPD purpose.
- E. BWC recordings will not replace required reports or the required documentation.
- F. No video or audio recording produced by a BWC will be copied, duplicated, downloaded, converted, or retained except as authorized for official SPD purposes.
- G. Members will not post BWC recordings to the Internet, social media sites, or the media, or otherwise disseminate BWC recordings in any way unless specifically authorized to do so by Department policy.
- H. SPD will review and retain BWC recordings in accordance with the retention schedule established in Appendix A of this policy.
- I. No SPD employee will change the settings and functions of a BWC or alter the operation of any BWC or attempt to do the same unless assigned as a System Administrator and specifically authorized to do so by Department policy.
- J. No SPD employee will use an electronic device or any other means in order to intentionally interfere with or alter the capability or operation of a BWC or any component of the BWC system.
- K. No SPD employee will alter, tamper with, delete, damage, or destroy any BWC or BWC recording or attempt to do the same unless assigned as a System Administrator and specifically authorized to do so by Department policy.
- L. No SPD personnel will wear or use a privately owned BWC or any other BWC not issued by the Department, while performing any duties on behalf of SPD.
- M. The Division of Technology & Program Management will be responsible to administer SPD's BWC Program.

**83.12 ASSIGNMENT OF BWCS:**

- A. The following personnel will be assigned BWCs as available:
  - 1. Police Officers assigned to the Uniform Bureau as designated by the Chief of Police or his/her designee.
  - 2. Other personnel as directed by the Chief of Police or his/her designee.
- B. Members not assigned a BWC, but wishing to voluntarily use one, may request voluntary assignment of a BWC by submitting an Inter-Department Memo to Chief of

Police through their chain of command. The Chief of Police will determine whether to issue the BWC in consultation with the Member's Commanding Officer and taking into account the availability of BWCs.

- C. The BWC Program Manager will determine if a Member who is assigned a BWC and is expected to be absent from full duty for a period exceeding one month (e.g. injury, illness, limited duty, military leave, leave of absence, etc.) should be collected and returned to the pool of spare BWCs.

### **83.13 RECORDING REQUIREMENTS & RESTRICTIONS:**

- A. Members assigned a BWC will activate it and record all activities and all contact with persons in the course of performing police duties as soon as it is safe and practical to do so, as set forth in this policy.
1. Members will activate recording on the BWC preferably upon being dispatched and prior to exiting their police vehicle, or prior to commencing any activity if on foot patrol.
  2. Members will immediately activate the BWC when required unless it is not safe and practical (e.g. the Member cannot immediately activate the BWC due to an imminent threat to the Member's safety, physical resistance, flight, or factors rendering immediate activation impractical.) In such cases, ***the Member will activate the BWC as soon as possible.***
- B. Exceptions to Recording Requirements.
1. Sensitive Locations. Members will **not** record with BWCs in the following locations **unless Members anticipate or are engaging in a law enforcement activity** as defined in this policy:
    - a. Victim support or advocacy agencies;
    - b. In any courtroom or grand jury room;
    - c. Locker rooms, bathrooms, or other locations where persons are expected to be disrobed or in a state of undress.
- C. Prohibited BWC Recording. Members will not activate or record with a BWC under the following circumstances and will deactivate and stop recording if any of these circumstances arise:
1. Members **shall not** record a victim of a sex offense;
  2. Members **shall not** record with BWCs, internal police conversations either openly or surreptitiously, including conversations among Members or other SPD employees, conversations between supervisors and subordinates, conversations relating to personnel matters including, but not limited to performance evaluations, selection interviews, discipline, or counseling;



3. Members **shall not** record with BWCs, conversations with representatives of the Syracuse Police Benevolent Association (PBA) that are related to the PBA's duty to represent its Members or any official union meeting;
  4. Members **shall not** record with BWCs, interviews relating to Department investigations being conducted by the Office of Professional Services (OPS) or by any other section performing similar functions (e.g. "farmed-out" OPS investigations);
  5. Members **shall not** record with BWCs while in a locker room or bathroom in a SPD facility or while using any bathroom at any location;
  6. Members **shall not** record with BWCs, personal non-police conversations with other Members or other City employees that do not occur in the course of an official police duty (e.g. conversations during personal breaks);
  7. Members **shall not** utilize BWCs in lieu of using the designated recording facilities in an approved interview room while recording custodial interviews or interrogations. However, in the event of a malfunction or other unavailability of a designated recording facility, a supervisor may authorize the use of a BWC if necessary to comply with established recording requirements. In such cases, the Member will note the circumstances in his/her report, including the identity of the approving supervisor;
    - a. In the event that a BWC is used to record a custodial interview or interrogation, the investigating Member will secure the assistance of the Division of Technology & Program Management to limit access to the BWC recording as needed.
  8. Members **shall not** record with a BWC while attending internal SPD meetings, and other law enforcement meetings with Members of the Onondaga County District Attorney's Office (OCDAO).
- D. Civilian Requests to Record. If a civilian requests that their interaction be recorded, Members will do so unless it is prohibited under this policy.
- E. Special Circumstances
1. Members are not required to record meetings or conversations with **compensated confidential informants, street sources, or non-compensated informants**.
  2. Members are not required to wear or use BWCs while engaged in **undercover activities, decoy operations, plainclothes surveillances, or other non-uniform and covert police activities**.
  3. Members will not record with BWCs roll calls or operational briefings unless directed by a supervisor. If BWC recording is authorized the supervisor will clearly inform Members that the BWC(s) are recording.

4. Members responding or assigned to a Critical Incident will follow the BWC recording requirements in this policy to the extent feasible under the circumstances or follow supervisory directives regarding the use of BWCs.
5. Members assigned to the Emergency Response Team (ERT) (e.g. SWAT, Bomb Unit, Crisis Response Unit etc.) will not record with a BWC while engaged in Team operational activities unless authorized by the Chief of Police or his/her designee.
  - a. Members assigned to the ERT that are assigned a BWC will follow BWC policy during normal patrol functions.
6. Personnel assigned to crowd control situations, including protests, demonstrations, and civil disorder situations, will record with assigned BWCs unless otherwise directed by a Commanding Officer or the Chief of Police or his/her designee.
7. Members assigned to a Command Post will record with a BWC only if specifically directed to do so by the Incident Commander or the Chief of Police or his/her designee. If BWC recording is authorized, the Incident Commander will clearly inform all persons in the Command Post that BWC(s) are recording.
8. Members may use the BWC to record Department training activities if authorized by the Commanding Officer of the Training Division, or the Commanding Officer of a Specialized Unit during that Unit's training activities, or the Chief of Police or his/her designee.
9. Members assigned a BWC will activate the BWC and record during raids, search warrant executions, and arrest warrant executions, and continue to record in accordance with standard policy (e.g. guarding prisoners and transports).
  - a. Members will check their assigned BWCs prior to the operation to ensure they are working properly; if not, the Member will replace the BWC before the operation commences.
  - b. Operational plans will note which participating Members are assigned BWCs.
  - c. During pre-operation briefings, supervisors will remind Members assigned BWCs to activate and record during the operation.
10. Members assigned a BWC will record while guarding prisoners (e.g. at a hospital or a police facility) subject to the following guidelines:
  - a. Members will record whenever in the direct presence of the prisoner, and during all conversations or interactions with the prisoner;
  - b. Members will adhere to the following procedures for long-term prisoner guard details (e.g. in excess of one (1) hour) at a hospital or medical facility:

- (1) Members are not required to record when not in the direct presence of the prisoner, and not otherwise conversing with or interacting with the prisoner (e.g. prisoner is sleeping in the hospital).
  - (2) Prior to having direct contact or interaction with the prisoner, the Member will activate the BWC and record the contact or interaction.
  - (3) Members will monitor the charge level and remaining storage capacity of the assigned BWC during the prisoner guard detail. If the charge becomes low, the BWC is nearing its storage capacity, or any other problems arise with the proper operation of the BWC, the Member will notify a supervisor, who will make appropriate arrangements (e.g. arrange a switch to another BWC) as soon as possible to ensure the Member has a functioning BWC for the duration of the prisoner guard assignment.
- c. In all situations, if the Member stops recording during a prisoner guard assignment in accordance with this policy, the Member must resume recording as soon as possible if he/she anticipates or commences an enforcement activity.

F. Recording Notice Guidelines

1. Members are encouraged to inform the person they are recording with a BWC (e.g. "Ma'am / Sir, I am advising you that our interaction is being recorded."), unless they encounter physical resistance, flight, or other factors rendering such notice unsafe or impractical.
2. If an individual asks a Member if he/she is being recorded by a BWC the Member will answer truthfully unless factors exist that would render such notice unsafe or impractical.
3. Members should, as practicable, inform personnel from other law enforcement agencies and other first responders that the Member or Members are interacting with (e.g. firefighters, emergency medical personnel, etc.) that the Member or Members are recording with a BWC.

**83.14 RECORDING STATEMENTS:**

- A. Proper documentation shall be made anytime the BWC captures a video statement from a suspect. The video statement shall not take the place of a written statement where applicable. Proper documentation shall include all required reports.
- B. If an Officer is in an approved interview room with audio-visual recording, that is functioning properly, the BWC shall be turned off.

**83.15 EMPLOYEE ACCESS TO BWC RECORDINGS:**

- A. Employees may review and use BWC recordings only for official SPD duties to include:

1. Members may view BWC recordings from their assigned BWC if available to assist in accurate report writing.

**Note: *The purpose of using BWC recordings in writing reports is to maximize the accuracy of the report – not to replace the Member's independent recollection and perception of an event.***

2. Conducting criminal investigations.
3. Conducting supervisory duties.
4. Preparing for testimony relating to their official police duties.
5. Managing the BWC recordings (e.g. tagging).
6. Training upon approval of the Commanding Officer of the Training Division, the Commanding Officer of a Specialized Unit, or the Chief of Police or his/her designee.
7. Assist with training and evaluation in the Department's Field Training and Personnel Evaluation Programs.
8. Performing other official SPD duties as authorized by Department policy or by the Chief of Police or his/her designee.

**B. Department Investigations of Members:**

1. Personnel assigned to the OPS will be given direct access to the BWC System and are authorized to access and copy BWC recordings as needed to perform their duties.
2. Prior to being disciplined for performance issues or misconduct, Officers will be permitted to view any BWC footage that was used by the Department in its investigation of the conduct, as well as specific BWC footage that the Officer believes is reasonably related to his/her performance issue or misconduct that is the subject of the Department investigation.

**83.16 PROCEDURES FOR USE OF BWCS:**

- A. Members will adhere to the following procedures for use of the BWC unless stated otherwise in this policy:
1. Only Officers who have received mandatory training as established by the Department and have been issued BWCs will use them. Members will use only the BWC assigned to them or BWC assigned to them by a supervisor or System Administrator;
    - a. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

2. In operating the BWC, Members will follow the procedures outlined in this policy and training they have received;
  3. Upon reporting for duty, Members will retrieve their BWC from the assigned docking station and check its operation to ensure it is charged, working properly, and the clip is not damaged. If there is any problem with the BWC, the Member will notify a supervisor. The supervisor will replace or arrange for a replacement if available, in accordance with current procedures;
  4. Members will affix the BWC to the outermost garment of uniforms in the center of their torso, in accordance with training;
  5. Members will continue to record with the BWC until the completion of the event or incident in question or deciding to end recording in accordance with this policy. Prior to deactivating the BWC, the Member will make a recorded verbal statement noting the recording is ending and the reason that it is ending, unless unsafe or impractical to do so;
  6. Request to View BWC Recording. Members are prohibited from allowing civilians to view BWC recordings. An Officer who receives a civilian request to view footage should refer the citizen to the City's Law Department, FOIL Officer;
  7. If the BWC malfunctions or other problems arise during the tour of duty, the Member will notify a supervisor as soon as possible. The supervisor will replace the BWC or arrange for a replacement if a spare is available. The Member whose BWC malfunctioned or was not operating properly shall submit a helpdesk ticket to [helpdesk@syracusepolice.org](mailto:helpdesk@syracusepolice.org) detailing the malfunction or problem;
  8. During the tour of duty, Members will monitor the charge level on the BWC and utilize the USB to ensure that the BWC is charged and operational;
  9. In the event a Member becomes ill or injured during the tour of duty, a supervisor will retrieve the BWC and arrange to return it to the docking station. The supervisor will notify a BWC System Administrator and assist in providing information needed by the System Administrator to categorize any untagged recordings;
  10. Members will turn in their BWCs prior to, or at the end of, their tour of duty and will not remove BWCs from the police facility while off duty.
- B. Members will adhere to the following procedures for BWC replacement:
1. Whenever a Member determines an assigned BWC is malfunctioning or inoperable, or if a BWC is lost, damaged, or stolen, the Member will notify a supervisor. If spare BWCs are available, the supervisor will ensure the Member obtains a replacement BWC. The BWC will be replaced with an operable BWC immediately unless, due to exigent circumstances, the Member cannot be immediately released to obtain a replacement. In such cases, the supervisor is responsible to ensure the Member obtains a replacement BWC as soon as possible;

- a. Members will follow standard policies and procedures for Department issued equipment that is lost, damaged, or stolen if applicable.
2. During normal business hours (Monday – Friday, 0700hrs - 1500hrs), Members will contact the BWC Program Manager or another Member of the Division of Technology & Program Management to arrange for a replacement if spare BWCs are available. The malfunctioning, inoperable, or damaged BWC (provided it was not damaged as a result of a criminal action), shall be brought to the Division of Technology & Program Management;
3. Replacement requests made during non-business hours should be submitted as a helpdesk ticket to [helpdesk@syracusepolice.org](mailto:helpdesk@syracusepolice.org). If spare BWCs are available, Division of Technology & Program Management personnel shall arrange to replace the Member's BWC as soon as practical.
  - a. Members shall place the malfunctioning, inoperable, or damaged BWC (provided that it was not damaged as a result of a criminal action) in the docking station and Division of Technology & Program Management shall collect the BWC as soon as practical;
  - b. If necessary, Division of Technology & Program Management personnel will ensure that any footage on the BWC is properly tagged and uploaded to Evidence.com.

**83.17 DOCUMENTATION OF BWC RECORDINGS & MALFUNCTIONS:**

- A. Members will document the existence of pertinent BWC recordings in various Department reports and forms in accordance with training. When a BWC is utilized during a call of service, Officers shall note the following statement on the first line of the narrative section of the incident report: "This incident was captured on a Body-Worn Camera". Officers shall also note on the arrest and other related reports when recordings were made during the incident in question. BWC recordings are not a replacement for written reports.
  1. The primary Officer will document in his/her incident report that the incident was recorded with a BWC and identify any other Officers who were also on scene with a body camera.
    - a. If the incident requires reports from other responding Officers, those Officers shall note in their supplemental report that a BWC was used during the incident.
    - b. If evidence captured on a BWC is submitted as part of any criminal case, officers shall hand-write "Body-Worn Camera Used During Arrest" on the top of the D.A.'s Case Checklist.
- B. In the event a Member cannot access or retrieve a recording due to a camera or system malfunction (e.g., "corrupt file" or other malfunction), the following steps will be taken:
  1. The Member shall notify an on-duty supervisor of the malfunction and

document the circumstances in the appropriate report, if any (e.g., Incident Reports, Arrest Reports etc.);

2. During normal business hours, the Member or supervisor shall notify a BWC System Administrator of the malfunction and seek assistance to resolve the problem;
3. If there is not an urgent need to access or retrieve the recording during non-business hours, the Member or supervisor will forward an email to the Division of Technology & Program Management at [helpdesk@syracusepolice.org](mailto:helpdesk@syracusepolice.org), describing the problem and noting the name of the Member assigned the BWC; the serial number of the BWC, the date, time, location, and DR# of the involved recording(s); and the nature of the incident(s) recorded;
4. If there is an urgent need to access or retrieve the recording during non-business hours, the supervisor will notify the on-call tech. The on-call tech will consult the BWC Program Manager and determine whether to immediately call in the Manager or other System Administrator;
5. Once notified of a system malfunction, a System Administrator will take steps to retrieve the recording(s) in question and/or the BWC system vendor as needed. If the recording is potential evidence, the System Administrator will complete an Inter-Departmental Memo under the original event DR# documenting the malfunction, the efforts made to retrieve the recording, and the results of those efforts.

#### **83.18 EVIDENTIARY BWC FOOTAGE:**

- A. All BWC footage uploaded to Evidence.com is considered evidence.
  1. BWC footage is uploaded to Evidence.com through the following methods:
    - a. When the BWC is docked at docking station;
    - b. Through the Evidence Synch application.
- B. Only personnel who have completed the Department's approved training course are allowed to access Evidence.com to view or download BWC footage.
- C. When BWC footage is needed for evidence in a criminal case or investigation, authorized users will follow the following procedures:
  1. Determine the identity of all involved Officers;
  2. Search Evidence.com for any associated BWC media using multiple search parameters to verify that they have located all relevant files;
    - a. If any of the BWC footage is improperly labeled (e.g. category etc.), the user will immediately notify a System Administrator who will ensure that the correction is made.

3. Create a digital media file “case folder” within Evidence.com and then add all relevant/associated BWC media into the folder;
4. View all of the applicable BWC media.
  - a. In all cases where authorized SPD personnel viewed BWC footage as part of a criminal case or investigation, a reason for such viewing should be noted within the comment section of Evidence.com and if necessary, supplemental reports shall be completed noting that the footage exists, that it was viewed, and the purpose for the viewing.

**83.19 SUPERVISOR RESPONSIBILITIES:**

- A. Through periodic inspections, supervisory personnel shall ensure that Officers equipped with BWCs utilize them in accordance with Department policy and the procedures set forth in this policy.
  1. If any deviation from policy is discovered, the supervisor's findings will be documented on an Inter-Department Memo and forwarded up the chain of command.
- B. Supervisors may review BWC recordings:
  1. To review an Officer's performance and/or professional development;
  2. To facilitate training of an Officer;
  3. To Investigate meritorious conduct or reports of misconduct.

**83.20 BWC PROCEDURES FOR SERIOUS INCIDENTS:**

- A. In the event of a Serious Incident as defined in this policy personnel will adhere to the following procedures:
  1. As soon as the scene is rendered safe and under control, an uninvolved responding supervisor will:
    - a. Identify which, if any, of the involved and witness Members have an assigned BWC;
    - b. Take possession of the BWCs as soon as possible and ensure that it is no longer recording. The supervisor will maintain possession of the BWCs until directed by the Incident Commander or ranking Commanding Officer on scene to turn them over to a designated person;
    - c. Document, in an Inter-Departmental Memo, the following information:
      - (1) Identity of the Member(s) from whom a BWC was taken;
      - (2) Serial number(s) of the BWC(s) taken;



- (3) Date, time, and location the supervisor took possession of the BWC(s);
    - (4) Identity of the Incident Commander or ranking Commanding Officer who directed the supervisor to turn over the BWCs;
    - (5) Person who took possession of the BWCs from the supervisor, to include the date, time, and location this occurred.
  2. The Incident Commander or Ranking Commanding Officer will ensure that a supervisor responds to the hospital to retrieve any BWC assigned to an injured Member who has been removed from the scene for medical treatment.
- B. Members assigned a BWC who respond to the scene of a Serious Incident will activate and record with the BWC in accordance with this policy. Also, such Members may utilize their assigned BWCs to record the scene as they deem appropriate or as directed by higher authority. Members will document use of their BWCs in accordance with this policy and training.
- C. The Incident Commander or Ranking Commanding Officer will determine the urgency of retrieving BWC recordings from the BWC(s). If deemed urgent, he/she will arrange for a BWC System Administrator to respond immediately to assist. For example, if an unknown subject injures an Officer or a potentially dangerous subject is at large, it may be imperative to retrieve BWC recordings as soon as possible to:
  1. Identify the perpetrator and/or accomplices;
  2. Determine the type of weapon(s) involved;
  3. Identify witnesses;
  4. Identify other crucial information (e.g., description of suspect vehicle, direction of escape, etc.).

#### **83.21 ADMINISTRATION OF THE BWC PROGRAM:**

- A. The Division of Technology & Program Management will be responsible to administer SPD's BWC Program. The duties and responsibilities of the Division of Technology & Program Management in performing this function include, but are not limited to:
  1. Liaison with BWC vendor(s) including return, repair, and replacement of BWCs;
  2. Maintaining an accurate and up-to-date inventory of BWCs to include personnel and location assigned;
  3. Providing access or copies of BWC recordings to SPD personnel and components as authorized by Department policy or the Chief of Police or his/her designee;

4. Coordinating with the Office of Legal Affairs, the response within SPD to subpoenas, court orders, Freedom of Information Law (FOIL) requests, and other requests for copies of BWC recordings in accordance with established procedures;
  5. Re-categorizing, assigning secondary categories, and assigning security levels to BWC recordings;
  6. Redacting sensitive, confidential, privileged, or otherwise protected portions of BWC recordings as needed;
  7. Responding as directed to serious incidents or other events to assist with access to, and/or copies of, BWC recordings;
  8. Conducting quarterly audits to assess compliance with established policies and procedures relating to the BWC Program and coordinating additional audits by designated SPD personnel;
  9. Compiling reports and documentation relating to the BWC Program;
  10. Coordinating the review of stored BWC recordings in accordance with established policies and procedures;
  11. Reviewing the BWC program, technology, systems, policies, and procedures and recommending improvements;
  12. Managing the Department's Evidence.com account;
  13. Liaison and communication with individuals and organizations in the community on the BWC program;
  14. Other duties related to the BWC Program as assigned by the Chief of Police or his/her designee.
- B. The Commanding Officer of Division of Technology & Program Management will ensure that a sworn supervisory Member assigned to Division of Technology & Program Management will serve as the BWC Program Manager. The BWC Program Manager will be responsible to supervise and coordinate the administrative duties within the Division of Technology & Program Management relating to the BWC Program.

**83.22 REVIEW, RETENTION, COPYING, AND DELETION OF BWC RECORDINGS:**

- A. BWC recordings will be reviewed and retained in accordance with Appendix A, *BWC Categories and Retention Schedule*.
- B. The retention periods set forth in Paragraph A above may be extended in the event of an active criminal investigation or prosecution or threatened or active civil litigation or legal matter. In the event the Division of Technology & Program Management is put on notice by the OCDOA, a District Attorney of another jurisdiction, or the Corporation Counsel, it will take steps to suspend the document retention schedule

for the video(s) identified in the request.

C. Deletion of Recordings "Recorded in Error."

1. In the event a Member mistakenly or inadvertently records an activity or event that should not have been recorded under Department policy (e.g., the Member inadvertently activates the BWC during a bathroom break), the Member will tag the recording as "Recorded in Error."
2. Members requesting immediate deletion of the erroneous recording will forward an email to Division of Technology & Program Management at [helpdesk@syracusepolice.org](mailto:helpdesk@syracusepolice.org) as soon as possible. The Member should identify the recording in question by date, time, location, and DR# (if any) and explain the circumstances for the immediate deletion.
3. The Commanding Officer of Technology & Program Management Division will:
  - a. Determine whether the recording was done in error;
  - b. If recorded in error and there is no reason to retain the recording (see below), delete the video from the BWC System or arrange for a System Administrator to do so;
  - c. If not recorded in error (e.g., recorded in accordance with policy), re-categorize the recording to the appropriate category or arrange for a System Administrator to do so;
  - d. Notify the requesting Member by email of the disposition of the request;
  - e. Ensure the Division of Technology & Program Management maintains a file of all documentation relating to deletion requests.
4. Circumstances may arise in which an event or activity may be recorded in error under Department policy, but cannot be deleted because it may constitute evidence or may trigger a legal disclosure or retention requirement. Accordingly, if a deletion request involves a recording that may need to be retained for legal reasons, the Commanding Officer of the Division of Technology & Program Management will:
  - a. Consult such other persons as needed (e.g., Corporation Counsel, the District Attorney, other SPD personnel, etc.);
  - b. If determined that the recording cannot be deleted for legal reasons, re-categorize the recording to the appropriate category or arrange for a System Administrator to do so;
  - c. Limit access to the recording in the BWC System or arrange for a System Administrator to do so;
  - d. Notify the requesting Member by email of the disposition of the request.

**83.23 INTERNAL SPD COPIES OF BWC RECORDINGS:**

- A. Copies of BWC recordings will be provided to SPD Members **only for official SPD functions as needed**. SPD Members who receive copies of BWC recordings will not disseminate or display them unless authorized by the Chief of Police or his/her designee.
- B. Members may make or request copies of BWC recordings as follows for operational Department use (e.g., criminal investigations, crime analysis, etc.). If the Member is not authorized to make a copy of the recording in question, a supervisor or a System Administrator may provide a copy of the recording. Any questions or concerns whether the copy should be provided will be referred to the Commanding Officer of the Division of Technology & Program Management or the BWC Program Manager.
- C. Members who want a copy of a BWC recording for non-operational Department use (e.g., training) will submit an Inter-Departmental Memo to his/her supervisor who shall submit the request through the chain of command explaining the intended use of the copy. The request shall be forwarded to the Office of the Chief of Police for review. If the Chief of Police or his/her designee determines that there is a valid non-operational use for the BWC recording, the Chief of Police or his/her designee will authorize a System Administrator to provide a copy.

**83.24 DISCLOSURE OF BWC RECORDINGS IN LEGAL PROCEEDINGS:**

- A. Criminal Cases Prosecuted by the Onondaga County District Attorney's Office (OCDAO).
  - 1. The Division of Technology & Program Management shall coordinate with OCDAO to access and/or obtain BWC recordings on Evidence.com needed for criminal prosecutions undertaken by OCDAO.
  - 2. OCDAO will directly provide defendants with copies of BWC recordings in criminal cases as it deems necessary.
  - 3. OCDAO will be responsible for any required redactions in BWC recordings it provides to defendants.
  - 4. In the event OCDAO needs assistance in obtaining BWC recordings needed for criminal prosecutions, Division of Technology & Program Management personnel will assist as needed to ensure necessary BWC recordings are obtained by OCDAO.
- B. Other Criminal Cases.
  - 1. Requests by other prosecuting offices (e.g., U.S. Attorney's Office, New York State Attorney General's Office, etc.), will be referred to the Chief of Police or his/her designee for review.

2. If approved by the Office of the Chief of Police, the Division of Technology & Program Management will identify BWC recordings that may be responsive to the request and provide copies of the requested recordings to the OCDAO.
3. The Division of Technology & Program Management will be responsible for any necessary redactions as requested by the OCDAO.

**C. Defense Subpoenas or Demands in Criminal Cases.**

1. Defense subpoenas or demands for BWC recordings will be referred to the Division of Technology & Program Management.
2. The Division of Technology & Program Management will consult with the Corporation Counsel and the OCDAO.
3. The Division of Technology & Program Management will identify BWC recordings that may be responsive to the defense subpoena or demand.
4. The Division of Technology & Program Management will provide copies as advised by the Corporation Counsel and/or the OCDAO.
5. Prior to providing any copies, the Division of Technology & Program Management will review the BWC recording and determine if any redactions may be required. The Division of Technology & Program Management will consult with the Corporation Counsel and the OCDAO and follow legal guidance regarding any required redactions.

**83.25 CIVIL, ADMINISTRATIVE, & PUBLIC REQUESTS FOR ACCESS TO BWC RECORDINGS:**

- A. BWC recordings may be subject to requests for release under New York's Freedom of Information Law (FOIL) (Public Officers Law, Article 6; §§ 84 -90). FOIL is based upon a presumption of access that requires agencies to make all records available, except to the extent that records or portions thereof fall within one or more grounds for denial appearing in the statute. BWC recordings may also be the subject to subpoenas, court orders, or other demands for BWC recordings in civil, administrative, or other non-criminal proceedings. All FOIL and other requests related to civil, administrative, or other non-criminal proceedings will be referred to Office of the Corporation Counsel.
- B. The Office of Legal Affairs will consult with the Corporation Counsel in such cases.
- C. The Division of Technology & Program Management or the Office of Legal Affairs will identify BWC recordings that may be responsive to the request.
- D. Prior to providing any copies, the Division of Technology & Program Management will review the BWC recording, determine if any redactions may be required, and confirm with Corporation Counsel through the Office of Legal Affairs.
- E. The Division of Technology & Program Management through the Office of Legal

Affairs, will provide copies as advised by the Corporation Counsel.

**83.26 BWC RECORDING REVIEWS:**

- A. At least on a monthly basis, the Chief of Police or his/her designee will randomly review BWC recordings to ensure that the equipment is operating properly, that the Officers are using the devices appropriately and in accordance with policy, and identify any areas in which additional training or guidance is required.

**POLICY REVISION HISTORY**

NO	SECTION REVISED	DATE ISSUED	G.O. #
1			
2			
3			
4			
5			

<b>Policy is applicable to the following New York State Accreditation Standard(s):</b>

## Appendix A – Body Worn Camera Retention Schedule

Category	Retention Period
<b>ABC</b> -ABC Violation	6 years
<b>ABDT</b> -Abduction, Kidnapping	Permanent
<b>AIRC</b> -Aviation Complaint	6 years
<b>AIRE</b> -Aircraft Emergency / Crash	Permanent
<b>ALRB</b> -Alarm-Burglary	6 years
<b>ALRM</b> -Alarm-All Other	6 years
<b>ALRP</b> -Alarm-Call for Police	6 years
<b>ALRR</b> -Alarm-Robbery	6 years
<b>AMBU</b> -Ambulance Call	6 years
<b>ANML</b> -Animal Complaint	25 years
<b>ARSN</b> -Arson- Permanent	Permanent
<b>ASLT</b> -Assault	25 years
<b>ASTC</b> -Assist a Citizen (non-criminal)	6 years
<b>ASTO</b> -Assist Other (non-police agency)	6 years
<b>ASTP</b> -Assist Police Agency	6 years
<b>BCHK</b> -Bad Check	25 years
<b>BDOG</b> -Barking Dog	6 years
<b>BIO</b> -Biological Call	25 years
<b>BOAT</b> -Boat (Distress, Speeding, etc.)	6 years
<b>BOMB</b> -Bomb Threat or Explosive Device-	Permanent
<b>BURG</b> -Burglary	25 years
<b>CALL</b> -Call for the Police (unknown nature)	6 years
<b>CEXP</b> -Child Exploitation	25 years
<b>CHLD</b> -Child Abuse, Abandoned, Left alone etc.	25 years
<b>CIVC</b> -Civilian Complaint Against Police	6 years
<b>CIVL</b> -Civil Process	6 years
<b>CMIS</b> -Criminal Mischief	25 years
<b>COP</b> -Community Oriented Policing	6 years
<b>DEMO</b> -Demonstration (Protest)	25 years
<b>DETL</b> -Detail	6 years
<b>DISP</b> -Dispute (Civil disagreement)	6 years
<b>DIST</b> -Disturbance	25 years
<b>DOA</b> -Dead Body	Permanent
<b>DOMI</b> -Domestic-Injury	25 years
<b>DOMP</b> -Domestic-Physical	25 years
<b>DOMV</b> -Domestic-Verbal	25 years
<b>DOMW</b> -Domestic-Weapon	25 years
<b>DOWN</b> -Person Down (unknown reason)	6 years
<b>DRUG</b> -Drug Complaint	25 years
<b>DRWN</b> -Drowning	Permanent
<b>DWI</b> -Driving While Intoxicated	25 years
<b>ELEV</b> -Elevator Problem	6 years
<b>ESCA</b> -Escape From Custody	25 years
<b>ESCT</b> -Escort	6 years
<b>EXPL</b> -Explosion	25 years
<b>FGHT</b> -Fight	25 years

## Appendix A – Body Worn Camera Retention Schedule

Category	Retention Period
<b>FIRE</b> -Fire	Permanent
<b>FLUP</b> -Follow-up	25 years
<b>FORG</b> -Forgery	25 years
<b>FRAD</b> -Fraud	25 years
<b>FUME</b> -Fume (odor)	6 years
<b>FWAR</b> -Follow-up Warrant	25 years
<b>FWKS</b> -Fireworks Complaint	6 years
<b>GAMB</b> -Gambling	25 years
<b>GAP</b> -Gun Amnesty Program	Permanent
<b>GRAF</b> -Graffiti	25 years
<b>HARR</b> -Harassment	25 years
<b>HAZD</b> -Hazardous Condition	6 years
<b>HELP</b> -Officer Needs Assistance	Permanent
<b>HOMI</b> -Homicide	Permanent
<b>HUNT</b> -Hunting/Hunter Complaint	6 years
<b>IDEN</b> -Identity Theft	25 years
<b>INDA</b> -Industrial Accident	Permanent
<b>INFO</b> -Information	6 years
<b>INTX</b> -Intoxicated Person	6 years
<b>IOD</b> -Injury On Duty	25 years
<b>JUVS</b> -Juvenile Problem	6 years
<b>LARC</b> -Larceny	25 years
<b>LEWD</b> -Lewdness	6 years
<b>LIFE</b> -Project Life Saver	Permanent
<b>LOCK</b> -Lockout Residence or Automobile	6 years
<b>LOCL</b> -Local Law Violation	6 years
<b>LOCO</b> -Train Derailment / Accident	25 years
<b>LOIT</b> -Loitering	6 years
<b>LOUD</b> -Noise Complaint	6 years
<b>MAIL</b> -Mail-in Complaint	6 years
<b>MEDV</b> -Medivac / Helicopter (OCSO)	6 years
<b>MEGL</b> -Megan's Law	25 years
<b>MENA</b> -Menacing	25 years
<b>MENT</b> -Possible EDP	25 years
<b>MISC</b> -Miscellaneous Complaint	6 years
<b>MISP</b> -Missing Person	Permanent
<b>MVCB</b> -Motor Vehicle Collision Bus	Permanent
<b>MVCC</b> -Motor Vehicle Collision Injuries / Structure	Permanent
<b>MVCD</b> -Motor Vehicle Collision Damage	25 years
<b>MVCH</b> -Motor Vehicle Collision Left Scene/Injuries	Permanent
<b>MVCI</b> -Motor Vehicle Collision Injuries	Permanent
<b>MVCL</b> -Motor Vehicle Collision Left Scene	6 years
<b>MVCP</b> -Motor Vehicle Collision w/ Possible Injuries	Permanent
<b>MVCS</b> -Motor Vehicle Collision Structure Involved	25 years
<b>NOTI</b> -Notification	6 years
<b>OVRD</b> -Overdose (accidental overdose)	25 years



## Appendix A – Body Worn Camera Retention Schedule

Category	Retention Period
<b>PCHK</b> -Property Check	6 years
<b>PDAM</b> -Property Damage	25 years
<b>PFCK</b> -Public Facility Property Check	6 years
<b>PINJ</b> -Personal Injury	6 years
<b>POI</b> -Point of Information	6 years
<b>PROP</b> -Property Lost / Found	Permanent
<b>PROS</b> -Prostitution	25 years
<b>PROW</b> -Prowler	6 years
<b>RAPE</b> -Rape	25 years
<b>REND</b> -Reckless Endangerment	25 years
<b>ROBB</b> -Robbery	25 years
<b>SHOT</b> -Shots Fired	25 years
<b>SNOW</b> -Snow Complaint	6 years
<b>SRST</b> -School Related Shooting Threat	Permanent
<b>STAB</b> -Stabbing	Permanent
<b>STAT</b> -Status Check	6 years
<b>STOP</b> -Traffic Stop	25 years
<b>SUIC</b> -Suicide	Permanent
<b>SUMM</b> -Summons	6 years
<b>SUSI</b> -Suspicious Incident	25 years
<b>SUSP</b> -Suspicious Person	25 years
<b>SUSV</b> -Suspicious Vehicle	25 years
<b>SUSW</b> -Suspicious Person with a Weapon	25 years
<b>SXOF</b> -Sex Offense	25 years
<b>TRAF</b> -Traffic Problem	6 years
<b>TRAN</b> -Transport	6 years
<b>TRES</b> -Trespass	6 years
<b>VEHA</b> -Abandoned Vehicle	6 years
<b>VEHD</b> -Disabled Vehicle	6 years
<b>VEHL</b> -Located Stolen Vehicle	25 years
<b>VEHP</b> -Parking Complaint	6 years
<b>VEHR</b> -Reposessed Vehicle	6 years
<b>VEHS</b> -Stolen Vehicle	25 years
<b>VEHT</b> -Towed Vehicle	6 years
<b>WARP</b> -Warrant Processed	25 years
<b>WARR</b> -Warrant Served	25 years
<b>WIRE</b> -Wires Down	6 years
<b>WMD</b> -Weapons of Mass Destruction	Permanent
<b>WTRP</b> -Water Problem	6 years
<b>XING</b> -School Crossing	6 years

